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EXAMINER	
MCCARTHY, CHRISTOPHER S	
ART UNIT	PAPER NUMBER
2113	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/658,508	JESTER, SCOTT A.	
	Examiner	Art Unit	
	CHRISTOPHER S. MCCARTHY	2113	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *14 May 2009*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-58* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☒ Claim(s) *25-37* is/are allowed.

6)☒ Claim(s) *1-4,8-12,15,18,19,21,38-40,42,43,46-48,50-53,55 and 57* is/are rejected.

7)☒ Claim(s) *5-7,13,14,16,17,20,22-24,41,44,45,49,54,56 and 58* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *09 September 2003* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 38-40, 42-43, 46 are rejected under 35 U.S.C. 102(e) as being anticipated by Wilson et al. U.S. Patent 6,714,976.

As per claim 38, Wilson teaches a real time self monitoring computing station, including: a primary processor disposed at a computing station (column 5, lines 27-30); a detector array at the computing station, including at least one detector adapted to continuously sense a current computer component performance at the computing station and generate a detector signal indicating the sensed condition (column 5, lines 27-30); a controller coupled to receive the detector signal from each detector of the array, and adapted to generate a computer component performance signal corresponding to each detector signal; a performance information generator coupled to receive each performance signal and adapted to generate performance information

including a condition information entry based on each received performance signal (column 6, lines 1-14); a memory at the computing station including a first memory sector for storing address information identifying the computing station, a second memory sector for dynamically storing the performance information, and a third memory sector for storing an acceptance standard corresponding to each condition information entry; and a comparator coupled to the second and third memory sectors, adapted to compare each condition information entry with its corresponding acceptance standard and generate a fault indication responsive to each failure of a condition information entry to satisfy the corresponding acceptance standard (column 11, line 66 – column 12, line 9); wherein the performance information generator further is adapted to present a performance record including the address information and the performance information for retrieval by a remote monitoring station, in response to receiving a cue from the monitoring station (column 7, lines 58-65; column 5, lines 16-18; column 16, lines 9-23).

As per claim 39, Wilson teaches the computing station of claim 38 wherein: the detector array includes a plurality of detectors for detecting different performances, and the performance information includes a plurality of performance information entries individually related to the different performance (column 5, lines 27-35).

As per claim 40, Wilson teaches the computing station of claim 39 wherein: each of the condition records includes performance information entries corresponding to all of the different conditions (column 5, lines 27-35).

As per claim 42, Wilson teaches the system of claim 39 wherein: each of the acceptance standards consists essentially of one of the following: a maximum value, a minimum value, and a range of values (column 11, line 66 – column 12, line 11).

As per claim 43, Wilson teaches the computing station of claim 38 wherein: the controller operates independently of the primary processor (column 6, lines 1-14).

As per claim 46, Wilson teaches a process for monitoring real time computer component performances at a plurality of remote computing stations, independent of the operating systems of the monitored computing systems (column 16, lines 9-23), including: providing a detector array at each of a plurality of remote computing stations, and using each detector of each array to continuously sense a current computer component performance at the associated station; using a controller at each station to receive a detector signal from each detector of the associated array, and to generate a condition signal corresponding to each detector signal (column 5, lines 27-42), generating performance information at each computer station including a performance information entry corresponding to each performance signal; assembling the performance information at each station, along with address information identifying that station, into a performance record associated with that station; sending a cuing signal from a monitoring computer to each of the remote computing stations (column 6, lines 1-14); responsive to receiving the cuing signal at each remote station, presenting the current performance record associated with that station for retrieval by the monitoring computer; and using the monitoring computer to retrieve the presented performance records (column 16, lines 9-23).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 1-4, 8-12, 15, 18, 21, 47, 48, 50, 51-53, 55, 57 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wilson in view of Wookey U.S. Patent 6,023,507.

As per claim 1, Wilson teaches a system for monitoring computer component performance at a plurality of computing stations remote from a monitoring station, independent of the operating systems of the monitored computing systems (column 16, lines 9-23),wherein each computing station includes a primary processor and a chassis housing the primary processor; said system including: a plurality of detector arrays, each of the arrays located at a different one of a plurality of computing stations, each detector array including at least one detector adapted to continuously sense a computer component performance at the associated computing station and generate a detector signal indicating the then currently sensed performance (column 5, lines 27-30); a plurality of controllers, each of the controllers located at an associated one of the computing stations and operatively coupled to the associated detector array to receive the detector signal from each detector of the associated array and generate a computer component performance signal corresponding to each received detector signal; a plurality of condition information generators, each condition information generator located at an associated one of the computing stations, coupled to receive each associated condition signal, and adapted to generate condition information including a condition information entry based on each received condition signal (column 6, lines 1-14); a computing station memory at each computing station adapted to receive the associated current performance information, including a first memory sector for storing address information identifying the associated computing station,

and a second memory sector for continuoulsy storing the associated current performance information (column 7, lines 37-65); wherein each performance information generator further is adapted to present an immediately retrievable current performance record including the address information and the condition information for retrieval by a monitoring station, in response to receipt of a cue from the monitoring station (column 7, lines 58-65; column 5, lines 36-38; column 16, lines 9-23); and a monitoring station remote from the computing stations and communicatively coupled to the computing stations, including a monitoring station processor (column 4, lines 55-65); a monitoring component for generating cues and sending the cues to the selected computing stations, and an image generator adapted to generate visible images of the performance records presented in response to the cues and retrieved by the monitoring station (column 16, lines 9-47). Wilson does not explicitly teach a selection component for individually selecting different ones of the computing stations, Wookey does teach a selection component for individually selecting different ones of the computing stations (column 8, lines 31-51; column 9, lines 4-6; column 14, lines 7-14). It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the process of Wookey in the process of Wilson. One of ordinary skill in the art would have been motivated to use the process of Wookey in the process of Wilson because Wookey teaches his invention to be beneficial in the remote monitoring of distributed systems (column 1, lines 16-17); an explicit desire of Wilson (column 1, lines 15-20).

As per claim 2, Wilson teaches wherein: the monitoring component comprises computer software in the form of a monitoring program resident in the monitoring station processor,

adapted to generate and send cues in accordance with selection input from the selection component (column 16, lines 9-47).

As per claim 3, Wilson teaches the system of claim 2, wherein: the selection component comprises an operator-controlled device linked to the monitoring station processor and configured to allow a system user to control said selection input (column 16, lines 42-47).

As per claim 4, Wilson teaches the system of claim 2, wherein: the monitoring station further includes a memory segment for storing computing station address information comprising a list of addresses identifying the computing stations, and said selection component comprises computer software in the form of a selection program operatively associated with the monitoring program and the first memory segment to select the computing stations from the list of addresses (column 16, lines 42-47).

As per claim 8, Wilson in view of Wookey teaches the system of claim 1. Wilson teaches wherein: each of the detector arrays includes a plurality of detectors for detecting different conditions, and the condition information generated by each condition information generator includes a plurality of condition information entries individually relating to the different conditions (column 6, lines 1-14).

As per claim 9, Wilson teaches the system of claim 8, including: an evaluation component for determining, with respect to each of the condition entries, the presence of a fault (column 11, line 66 – column 12, line 9).

As per claim 10, Wilson teaches the system of claim 9, wherein: each of the computing station memories further includes a third memory sector for storing acceptance standards individually associated with the conditions, and the evaluation component includes a comparator

coupled to the second and third memory sectors at each computing station for individually comparing the acceptance standards with the condition information entries and generating a fault indication responsive to each failure of a condition information entry to satisfy the associated acceptance standard (column 11, line 66 – column 12, line 9).

As per claim 11, Wilson teaches the system of claim 10, wherein: each of the acceptance standards consists essentially of one of the following: a maximum value, a minimum value, and a range of values (column 11, line 65 - column 12, line 9).

As per claim 12, Wilson teaches the system of claim 10, wherein: each of the condition information entries consists essentially of one of: a value associated with the detected condition; a fault indication; and a combination of the value and the fault indication (column 11, line 66 – column 12, line 9).

As per claim 15, Wilson in view of Wookey teaches the system of claim 1. Wislon teaches wherein: each of the controllers operates independently of its associated primary processor (column 6, lines 1-14).

As per claim 18, Wilson teaches the system of claim 1, wherein: each of the condition information generators comprises a computer program resident in a data storage environment near the associated controller, and the first sector of each computer station memory is resident in said data storage environment (column 6, lines 1-14).

As per claim 21, Wilson teaches the system of claim 1, wherein: the selection component comprises computer software in the form of a selection program resident in the associated monitoring station processor (column 8, lines 31-51).

As per claim 47, Wilson teaches the process of claim 46. Wookey teaches it further including: entering a list of the remote computing stations into the monitoring computer, and causing the computer to send the cuing signals in a sequence to the remote computing stations on the list (column 5, lines 43-49; column 8, lines 31-51). It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the process of Wookey in the process of Wilson. One of ordinary skill in the art would have been motivated to use the process of Wookey in the process of Wilson because Wookey teaches his invention to be beneficial in the remote monitoring of distributed systems (column 1, lines 16-17); an explicit desire of Wilson (column 1, lines 15-20).

As per claim 48, Wilson teaches the process of claim 47. Wookey teaches it further including: using a computer program resident in the monitoring computer to cause multiple repetitions of said sequence (column 5, lines 43-49).

As per claim 50, Wilson teaches the process of claim 47. Wookey teaches wherein: entering the list comprises using an operator-controlled input device coupled to the monitoring computer (column 8, lines 31-51).

As per claim 51, Wilson teaches the process of claim 46. Wookey teaches wherein: each detector array includes a plurality of detectors, whereby the condition information associated with each remote computing station includes a plurality of condition information entries (column 3, lines 34-61).

As per claim 52, Wilson teaches the process of claim 51, further including: maintaining a list of acceptance standards associated with each remote computing station, comparing the acceptance standards with the associated condition information entries in a one-to-one

correspondence, and generating a fault indication responsive to each failure of a condition information entry to satisfy the associated acceptance standard (column 11, line 66 – column 12, line 9). It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the process of Wilson in the process of Wookey. One of ordinary skill in the art would have been motivated to use the process of Wilson in the process of Wookey because Wilson teaches his invention to be beneficial in the remote monitoring of distributed systems (column 1, lines 15-20); an explicit desire of Wookey (column 1, lines 16-17).

As per claim 53, Wilson teaches the process of claim 52, wherein: said comparing the acceptance standards with the associated condition information entries is performed at each of the remote computing stations (column 11, line 66 – column 12, line 9).

As per claim 55, Wilson teaches the process of claim 52 further including: generating visible images of the retrieved condition records (column 16, lines 9-42).

As per claim 57, Wilson teaches the process of claim 52. Wookey teaches it further including: generating a warning at the monitoring computer in response to retrieving a condition information entry that includes a fault indication (column 4, lines 36-45).

5. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wilson in view of Wookey in further view of Microsoft Computer Dictionary (MCD).

As per claim 19, Wilson in view of Wookey teaches the system of claim 1. Wilson teaches wherein: the selection component, the monitoring component and the image generator comprise computer programs resident in the monitoring station processor (column 6, lines 1-14;

column 5, lines 62-66). Wilson does not teach the monitoring station memory includes a plurality of registers resident in the monitoring station processor. MCD does teach registers (page 379). It would have been obvious to one of ordinary skill in the art to use the register processor of MCD in the process of Wilson. One of ordinary skill in the art would have been motivated to use the register processor of MCD in the process of Wilson because MCD teaches the registers to hold certain data; an explicit desire of Wilson (column 4, lines 59-61).

Allowable Subject Matter

6. Claims 25-37 are allowed.

7. Claims 5-7, 13-14, 16-17, 20, 22-24, 41, 44-45, 49, 54, 56, 58 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Reasons for Allowance

8. The following is an examiner's statement of reasons for allowance: When read as a whole, Claim 25 is allowable with respect to the following: wherein the monitoring component and the selector are configured to operate transparently to a user of the monitoring station processor until said processor generates a warning.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue

fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Response to Arguments

9. Applicant's arguments filed 5/14/09 have been fully considered but they are not fully persuasive.

10. The applicant has amended the claims to change the term condition to performance and has argued that neither Wilson nor Wookey teach this new term limitation. The examiner respectfully disagrees/ Wilson teaches that his invention can monitor multiple components such as process performance… (column 5, lines 27-42. The examiner interprets this teaching as fulfilling the newly added and argued term of component performance.

11. As for claim 25 et al., the applicant has amended the claims to cite wherein the monitoring station is independent of the operating systems of the monitored systems, this new limitation overcomes the teaching of Wookey. The claim also cites the limitation of the newly, examiner cited Reasons for Allowance, as this limitation overcomes Wilson.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CHRISTOPHER S. MCCARTHY whose telephone number is (571)272-3651. The examiner can normally be reached on M-F, 9 - 5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Beausoliel can be reached on (571)272-3645. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Christopher S. McCarthy/
Primary Examiner, Art Unit 2113